

REMARKS

This application has been reviewed in light of the Office Action dated September 21, 2007. Claims 1-7 and 9 are presented for examination, of which Claims 1, 7 and 9 are in independent form. Claim 9 has been rewritten in independent form, and Claims 5 and 6 have been amended as to matters of form. Favorable reconsideration is requested.

Claims 5, 6 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Those claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action. It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

Claims 1, 2, 5, 7 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,137,590 (*Mori*). Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mori* in view of Official Notice. Claim 4 was rejected under Section 103(a) as being unpatentable over *Mori* in view of Applicant's alleged admitted prior art. Applicant submits that independent Claims 1 and 7, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to an image processing apparatus comprising a read means, an authentication means, a search means, a setting means, and an output means. The read means reads an image on a document that contains image storage information representing a location where an original image of the document is stored. The authentication means authenticates whether a user can utilize an original image of the document, and the search means searches for

the original image of the document from an image storage device which stores the original image of the document on the basis of the image storage information, when the user is authenticated by the authentication means. The setting means sets a destination for the original image of the document in accordance with the authenticated user, and the output means outputs the original image of the document found by the search means to the destination set by the setting means.

Applicant has carefully studied the prior art, taking into account the Examiner's analysis set out in the outstanding Office Action, but believes strongly that the rejection of Claim 1 as being anticipated by *Mori* is mistaken, for at least the following reasons.

The rejection relies heavily on *Mori's* description of his first embodiment, and in particular, the Examiner continues to believe that column 4, lines 43-58, disclose the setting means of Claim 1 of the above-referenced application. Applicant disagrees.

As Applicant understands the first embodiment of the apparatus discussed in *Mori*, an image forming apparatus is connected to a computer and receives image data from the computer, which is printed by the apparatus. As part of the print output, the apparatus generates an identification code. This code is both stored locally on the apparatus, and printed in the output. The apparatus further includes a code-read section for reading the identification code printed on the print output for a re-print of the image originally printed. It appears that the identification code can also include information corresponding to the apparatus which generated the code and originally output the document.

It also appears from *Mori* that a number of apparatuses can be networked together so that the identification code located on the print output produced by a first apparatus can be read by a second apparatus and reprinted on the first apparatus. Thus, if a printed

document bearing such an identification code has its identification code read by a second apparatus, which did not generate the identification code, the identification code can be used to identify (through the network) the apparatus that did generate that code (the first apparatus). The first apparatus can then be set to re-print the output, even though it did not itself re-read the code. As a result, the system limits the re-printing of the image to one apparatus. Reading this in the most expansive way possible, it is not seen how *Mori* could be deemed to teach more than that the destination for an original image of a document will be set in accordance with the image forming apparatus that originally generated the image and inserted the identification code. In particular, it appears to Applicant to be a long step from setting a destination based on which apparatus generated the image and inserted an identification code, as in *Mori*, to setting a destination in accordance with which user has been authenticated by an authentication means, as recited in Claim 1. As far as Applicant can tell, if two different users both cause images to be generated with inserted identification codes at a given apparatus, the destination will be the same for both images, i.e., that same apparatus. The destination can be different from that apparatus only if the two images are generated at another apparatus, and the identity of the users does not appear to be involved at all. Thus, Applicant concludes that the first embodiment of *Mori* does not have setting means having the characteristics recited in Claim 1, and in addition it is not seen how a person of ordinary skill could derive any suggestion at all from *Mori* to provide such setting means.

From a careful review of the remainder of *Mori*, Applicant believes that the other embodiments therein also lack such a setting means, and that nothing in any portion of that patent would provide any suggestion thereof.

For at least this reason, Applicant believes that Claim 1 is patentable over *Mori*.

Independent Claims 7 and 9 are, respectively, method and computer-medium claims corresponding to apparatus Claim 1, and are believed to be patentable for similar reasons.

A review of the other art of record has failed to reveal anything that, in Applicant's judgment, would supply what is missing from *Mori* as a reference against the independent claims herein.

The other claims in this application depend from Claim 1, and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200